

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CITY OF ALMATY, KAZAKHSTAN and BTA
BANK JSC.,

Plaintiffs,

-against-

MUKHTAR ABLYAZOV, VIKTOR
KHRAPUNOV, ILYAS KHRAPUNOV, and
TRIADOU SPV S.A.,

Defendants

No. 1:15-cv-05345 (JGK) (KHP)

STIPULATION

WHEREAS, pursuant to a Monitorship Order entered by the New York State Supreme Court, New York County (Cohen, J.) in the action captioned *Triadou SPV S.A., v. CF Flat LLC, CF 135 West Member LLC, and The Cherit Group LLC*, Index No. 653462/2014, dated May 4, 2016 (NYSCEF Doc. No. 163), the State Court appointed the Hon. Herman Cahn (Ret.), who is Special Counsel to Wolf Haldenstein Adler Freeman & Herz LLP, to serve as Monitor over certain assets (the “Monitorship Funds”) and Justice Cahn has served in that capacity since his appointment;

WHEREAS, the parties instructed Justice Cahn to hold the Monitorship Assets subject to the Monitorship Order in a segregated non-interest bearing account at Signature Bank (now Flagstar Bank);

WHEREAS, as instructed by the parties, Justice Cahn has held the Monitorship Assets subject to the Monitorship Order, now equal to \$27,511,878.95, in a segregated non-interest bearing account at Signature Bank (now Flagstar Bank);

WHEREAS, on July 31, 2023, a judgment (the “Judgment”) was entered in this action in

favor of plaintiff BTA Bank JSC and against defendant Triadou SPV, S.A., in the amount of \$193,345,024.65 (ECF No. 1757);

WHEREAS, as set forth in the Monitorship Order, the parties agreed to abide by the decision of the Court in the Federal Action;

WHEREAS, the Monitorship Account is the subject of an attachment order in this action entered on July 18, 2016 (ECF No. 192);

WHEREAS, among other things, the Judgment imposed a constructive trust in favor of BTA the Monitorship Funds held in escrow by Justice Cahn pursuant to the Monitorship Order;

BTA HEREBY ACKNOWLEDGES AND AGREES, that upon delivery to counsel for plaintiff BTA Bank JSC all the Monitorship Funds on hand in the segregated non-interest bearing account created by Justice Cahn as Monitor, Justice Cahn will have fully and faithfully performed his duties as Monitor pursuant to the Monitorship Order;

BTA FURTHER ACKNOWLEDGES AND AGREES, that upon delivery to counsel for plaintiff BTA Bank JSC all the Monitorship Funds on hand in the segregated non-interest bearing account created by Justice Cahn as Monitor, Signature Bank (now Flagstar Bank) will have fully and faithfully performed its duties regarding the Monitorship Funds;

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BTA FURTHER ACKNOWLEDGES AND AGREES, that counsel for plaintiff BTA Bank JSC shall confirm to Justice Cahn their receipt of all the Monitorship Funds on hand in the segregated non-interest bearing account created by Judge Cahn as Monitor at Signature Bank (now Flagstar Bank) within 24 hours of receipt thereof;

Dated: August 5, 2023

BOIES SCHILLER FLEXNER LLP

By: 

Craig A. Wenner, Esquire
55 Hudson Yards
New York, NY 10001
212-446-2300

Attorneys for Plaintiff BTA Bank JSC

WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP

By: _____

Mark C. Rifkin, Esquire
270 Madison Ave.
9th Floor
New York, NY 10016
212-545-4600

For the Monitor

BTA FURTHER ACKNOWLEDGES AND AGREES, that counsel for plaintiff BTA Bank JSC shall confirm to Justice Cahn their receipt of all the Monitorship Funds on hand in the segregated non-interest bearing account created by Judge Cahn as Monitor at Signature Bank (now Flagstar Bank) within 24 hours of receipt thereof;

Dated: August 15, 2023

BOIES SCHILLER FLEXNER LLP

By: _____
Craig A. Wenner, Esquire
55 Hudson Yards
New York, NY 10001
212-446-2300

Attorneys for Plaintiff BTA Bank JSC

WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP

By:  _____
Mark C. Rifkin, Esquire
270 Madison Ave.
9th Floor
New York, NY 10016
212-545-4600

For the Monitor

/s/ John G. Koeltl
John G. Koeltl, U.S.D.J.
New York, New York
August 22, 2023